

DANNIE L. LEEDS)	
Claimant)	
VS.)	
)	
DAVIS CONSTRUCTION)	Docket No. 225,038
Respondent)	
AND)	
)	
FARM BUREAU MUTUAL INSURANCE COMPANY)	
Insurance Carrier)	

The record establishes the claimant sustained an injury in the course of his employment for respondent on March 11, 1997. The employer provided treatment and one or more of the authorized treating physicians recommended epidural injections. At least one physician, Dr. Kevin Komes, concluded claimant needed no further treatment. Claimant was then involved in a fight with his girlfriend. Police were called and claimant was physically subdued by the police officers. Claimant injured his back at that time and was taken to the emergency room for treatment.

Dr. Jorge A. Gonzalez saw claimant both before and after the fight between claimant and his girlfriend. He had recommended epidural injections before the fight and again recommended them after the fight. His records indicate, however, that claimant's injuries were aggravated or exacerbated as a result of the fight. With the current state of the record, the Board agrees with the finding of the ALJ. Claimant has suffered a superseding and intervening accident. The decision by the ALJ is, therefore, affirmed.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order entered by Administrative Law Judge Steven J. Howard on April 3, 1998, should be, and the same is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of June 1998.

BOARD MEMBER

c: Patrick C. Smith, Pittsburg, KS
Leigh C. Hudson, Fort Scott, KS
Steven J. Howard, Administrative Law Judge
Philip S. Harness, Director